

1869-005 Chancery Causes: Andrew F. Simmons, Jr. vs. Thomas G. Gregory & Lee Co.

Fitts, Hamblen, Bradley, Beatty, Tankersley, Dickinson, Nelson,
McKinney, Morison, Vincent

CA-Debt
T-Property

-Deed

To the Honorable Benjamin Etice Judge of the Circuit Superior Court of the County of Lee, The Bill of Complaint of Andrew H. Simons, who sues for the benefit of Cornelius Fells, Respectfully represents, That on the 1st day of April 1841. one Thomas J. Gregory became indebted to your Orator in the sum of \$120.00, on which day he executed his note, under seal, to your orator for the said sum of money, and the said note was duly recorded in the office of the Clerk of said Court, and afterwards assigned to the said Fells for value rec^d. — Some time after the said note became due, the said Gregory absconded, or privately removed himself from this County, and your Orator took out an attachment against him as an absconding debtor, upon the said debt, and obtained a judgment therefor ^{for the costs of said} upon the said attachment, before the County Court of said County on the 16th day of August 1841. The property attached was condemned to be sold by the said County Court, to satisfy the said judgment, and at the sale thereof, the property produced the sum of \$38.71 as a balance to your Orator. The proceeds of the sale of the property of other individuals, having been insufficient to satisfy the said judgment. And this is all that your Orator has ever been able to make in satisfaction and payment of his said judgment. A copy of the record and proceedings of the said suit by attachment, is herewith filed, marked (A) and prayed to be taken as a part of this Bill. — Your Orator states, that before the said Gregory absconded, he had purchased a tract of land in said County from one Champ Hambleen, the purchase money for which he had fully paid up, and had full possession of the land, but had not, nor had he yet obtained from Hambleen, who is his father-in-law, the legal title thereto. — The first thing your Orator heard of the said Gregory after his elopement, he was confined in Sullivan jail in Blountville Tennessee, for felony, and if he is yet released therefrom, your Orator has not heard of it. Whilst confined there however, he executed a deed in trust on the said land, to Robert E. Bradley Esq: a Trustee, to secure sundry debts which he owed, to John M. Bealy, William

W. Dickinson, who is since dead, and whose estate is now represented by Boyd Dickinson, & Daniel S. Dickinson his Administrators, & Pleasant Tankersly of this County, and Thomas A. R. Nelson & Robert J. M. Kinney of Tennessee, who are his Counsel and Attorneys in the said prosecution for felony. This Deed of Trust, is dated the 10th day of January 1842, is subsequent to your Crator's judgment lien, and, ^{except as to Mr. Tankersly, who has an equal judgment lien with you} he is advised, must wait until your Crator's lien is satisfied. The said Deed in Trust is ~~in the hands of the said~~

a Copy thereof marked (B) is herewith filed and prayed be taken as a part of this Bill. This Deed gives the best description of the said Tract of Land, which your Crator is not able to give, but he will hereafter, endeavour to shew the Court distances & true quantity thereof. — There is no personal property within the reach of your Crator, belonging to the said Gregory, out of which your Crator can make the balance due on his said judgment, so that the said Land, is the only resource for the payment of his said debt. And the said Land

being a ^{lot} ~~land~~ ^{and the jurisdiction of a County Court, so that the} ~~copy of Capias ad satisfaciendum cannot reach his body~~, Your Crator is wholly without remedy at Common Law, and is forced to resort to a Court of Equity for relief. Your Crator therefore prays, That the said Thomas J. Gregory, Champ Hambley, Robert E. Bradley, ^{Trustee in said Deed} John M. Bealy, Pleasant Tankersly, Boyd Dickinson & Daniel S. Dickinson Administrators of the estate of William C. Dickinson deceased, & Thomas A. R. Nelson and Robert J. M. Kinney may be made parties Defrs to this Bill and be compelled, fully and on oath, to answer all the allegations thereof; That the said Champ Hambley may be compelled to convey the legal title to the said Land, either before, or after the sale thereof, directed by your Honor, and that your Honor may decree such sale, to satisfy your Crator's said Debt. That if your Honor shall decide that the persons interested in the said Deed in Trust, shall have any preference of payment, in the

sale of the said Land, over your Crator, and shall permit the said Trustee, to execute the said Trust, for the benefit of the persons interested therein, that in that event, your Honor will require the said Trustee, to pay to your Crator any sum plus for which the said Land may sell, above the responsibilities of the said Trust deed. That order of publication be made against the Defrs John M. Bealy, Thomas J. Gregory, Thomas A. R. Nelson & Robert J. M. Kinney who are non residents, and that if ne-

land, and that such & thus & further relief be granted to your Crator as his case may require, and equity can properly give, all of which, he prays for the benefit of the said Defrs, to whom the said Debt is really now due. May the Comth. writ of Habeas Corpus and as in duty your Crator will ever pray

Sharp for Compt.

Simons for Tills.

E. Rice

Gregory & others

1842 Dec. Bill filed & order

Publication vs. Absent

Defendants & continued

1843 Aug. Feb. March. April cont.

May. Sept. & Bradley, Hensley

Sankusky and vs. D. S.

Dickinson and vs. Hites

June & July continued

Aug. Sept. Oct. Nov.

and Dec. continued

1844 Aug. Feb. continued

March. April. May

June. July. Aug. Sept.

Oct. Nov. & Dec. cont.

1845 Aug. Feb. March cont.

April continued

May. Dec. and vs. Hites

and vs. Hites & July cont.

Aug. cont. Sept. cont.

Oct. cont. Nov. cont.

Dec. continued

Aug. cont. Feb. cont.

March. Set for hearing

by complainant.

Sept. M. B. D. Land, B. D.

Martin & Lewis Smith

Came to Value Land

Sept. Report of Com. filed

Nov. continued

1847 April continued

Sept. Decree for

Sale of land cont.

1848 Aft. Com. Report

filed & continued

Sept. continued

1849 April continued

Sept. continued

1850 April continued

Sept. continued

1851 April Decree & cont.

Sept. continued

1852 April cont.

Sept. continued

1853 May continued

Oct. continued

1854 May continued

Oct. continued

1855 May continued

Oct. continued

1856 May continued

Oct. continued

1857 May continued

Oct. continued

1858 May continued

To the Honorable Benjamin Estill Judge of
the Circuit Superior Court of Law and Chancery for
Lee County.

The answer of Robert E. Bradley to a bill
of Complaint exhibited in this Honorable Court by
Andrew F. Simpson, who sues for the benefit of
Cornelius Hitts against Thos. J. Gregory, Champ
Maublin, your Respondent and others. This Respondent
reserving to himself the usual & proper exceptions to
said bill, answereth and saith that on the 10th day
of January 1842 Thomas J. Gregory executed to this
Respondent a Deed of Trust upon the tract of land
in the bill mentioned, to secure the debts therein
mentioned, and the said Gregory by his written
order drawn upon ^{Respondent} as trustee, bearing date on the
said 10th day of January 1840, being the same day on which
the said Deed of Trust was executed, directed ^{Respondent}
to pay out of the proceeds of the sale of the said
Land when sold \$10.00 to Francis Munsey, and
Preston & Gibson's Debt. which last debt was \$10.00
due sometime in the year 1839, as appears by an
indorsement made at the foot of said order by ^{Respondent}
Respt. Which debts of Munsey & Preston & Gibson your Respon-
dant assented to pay when the money arising from
said sale should come into his hands, the said
order is herewith filled marked (Z) and prayed
to be taken as part of this answer. This order was
executed in the presence of this Respondent.

This Respondent was the counsel of William C.
Dickinson in the suit of said Dickinson vs said
Gregory, mentioned in Complaint and said bill and
in said Trust Deed, and this Respondent expres-
sly avers, that at the time the said Trust Deed
was executed by said Gregory to your Respt. it was

distinctly and clearly understood that the said Trust
Deed was to operate as mere collateral security to
the said Dickinson's judgment Lien, and not thus
appropriated by Gen. P. C. Johnston the ~~Grantee~~ in said deed.

This Respondent has not as yet executed the said
Trust Deed, but will await the decree of this Honorable
Court, before he proceed to act therein, and having
thus fully answered the Complainant's bill pray
to be hence dismissed with his costs &c.

R. E. Bradley

Sworn to in open court the

6th day of April 1845

Teste J. W. S. Morrison Cl

Br
R. B. Bradley
L
admission

Sinons for Fites

1843 April - turn filed by leave of the
court.

To the Honorable Benjamin Estill Judge of the
Circuit Superior Court of Law & Chancery for Lee
County.

We answer of Bogard Dickinson & Daniel G.
Dickinson administrators ^{with the will annexed} ~~of the estate~~ of Wil-
liam C. Dickinson Decd. to a bill of complaint
filed in this Honorable Court by Andrew F. Simon
who sues for the benefit of Cornelius Fitts against
these Respondents and others. These Respondents
reserving the usual & proper exceptions to said bill,
answer and say, that on the 17 day of August 1841
then testator William C. Dickinson obtained a
judgment in the County Court of Lee County & State
of Virginia, against ~~them~~ ^{Thos. J. Gregory} or defendant, for the sum
of \$23.00 with interest thereon from the 1st day
of February 1841 and \$6.80 costs, and on the 10th day
of January 1842 the said Thos. J. Gregory executed
the ~~the~~ Deed of Trust in the Complainant's bill men-
tioned to Robert B. Bradley as trustee for the purpose
of more effectually securing the ~~the~~ debts therein men-
tioned, and with his costs & expence to the said
Gregory. Your Respondents are informed that the said
Trust Deed was taken as mere collateral security
to the said judgment of the said W. C. Dickinson
and executed ~~separately~~ for the purpose of preventing
the cost of a suit in Chancery to subject the said land
in the said Trust Deed from sale under a decree
of a court of Equity to enforce the said judgment
said. Your Respondents know nothing of the complain-
ant's claim and therefore do not admit it. But insist upon
their priority over all other creditors to be paid out of the
funds arising from a sale of said land. Your Respondents
would here state that on the 1 day of 184 at the

County of Linn and the said M. C. Dickinson departed this
life after having made his last will and testament, and
having appointed John T. Panson his Executor, who
refused to qualify, and thereupon administration with
the Will annexed was granted by the County Court
of Linn County to your Respondents. They therefore
ask your Honor to render a decree for the sale
of the said Land and out of the ^{first} proceeds arising
therefrom, to pay the debt due these respondents, as
they are informed that the \$30.00 provided to be paid by
the said Trust deed ^{to} discharge so much of their debt.
and that your Honor will render a decree requiring
their co-defendant, ^{Chas. H. Hargrave} to convey the legal title for said
Land to whomsoever the same may be sold by your
Commissioners. And having thus fully answered your
Respondents pray to be hence dismissed with their
costs &

Suons to in open court the

6th day of April 1863

J. M. S. Mendenhall

Bradley J. H.



^{Bn}
Boyd & P. S. Dickinson

at as } Mason

Simon for Little

¹⁸²³
April term filed by leave of the court

To the Honorable Benjamin Eslee Judge of
the Circuit Superior Court of Law and Chancery for
Lee County.

The separate answer of Pleasant Lem
Hersley to a bill of Complaint, exhibited in the
Honorable Court by Andrew H. Simons who sues
for the benefit of Bonedius Fitts. This Respondant,
reserving the usual & proper exceptions to said bill,
answers as follows that on the 16th day of August 1841 this
Respondant obtained a judgment upon an attach-
ment in the County Court of said County, against Thom-
as C. Gregory for the sum of \$46.50 with interest thereon
from the 4 day of June 1841 and \$4.20 costs, upon
which judgment your Resp^t has received \$15.65,
the residue of said judgment remains yet unpaid,
a copy of which is herewith filed marked (X) and prayed
to be taken as part of this answer. This Respondant is
informed that the said Gregory executed the Trust
Deed in the Complainant's bill mentioned, on the 10th
day of June 1842, to secure the debts therein mentioned
and to prevent the costs of suits in chancery to subject
the said land in the said bill & Deed mentioned
to sale. This Respondant has no objection to the
sale of the said land under the Complainant's bill
but claims ^{priority} to be paid his debt out of the proceeds
thereof over the Complainant. And having thus
answered so much of Complainant's bill as he is ad-
vised it is material for him to answer, prays to be
honored discharged with his costs &c.

Sworn to in open court on the 24th day of
April 1843

Attest W. S. Monson cl

Bradley p. l.

(Ba)

Pleasant San Rely

^H addy Carson

Simons for Lotts

1915

April 1915 by leave of the court

To the Honorable Benjamin Estill, Judge of the Circuit Superior Court of Law and Chancery of Lee County, the separate answer of John M. Beatz to a Bill in Chancery exhibited in this Court by Andrew F. Simon, for the benefit of Cornelius Fitts, against himself and others, respectfully represents:

That this respondent, saving and reserving now and at all times hereafter all just and proper exceptions to the Com-
= plete bill, yet for answer thereto, or to so much thereof as he is advised it is material he should answer, he says: That he has no personal knowledge of the complete claim a-
= gainst his co-defendant Thomas J. Gregory; But he does not admit the effect of the complete judgment on the attachment mentioned in his bill to be such as he claims, and contends, that such judgment does not operate so as to give to him a lien on the land of said Gregory sought by the bill to be subjected to the payment of his debt. In regard to the trust deed mentioned in complete bill, this respond^t has no personal know-
= ledge, but he has been informed that it was executed bona fide by said Gregory for securing the debts therein mentioned. This respondent will further say, that the debt due to him and mentioned in said trust deed was created before the said Gregory removed from Lee County, and is justly due to this respondent. He herewith files the note of said Gregory, which is mentioned in said trust deed, as a part of this answer, marked (A). The note was executed to Wm Hampton, & has been trans-
= ferred to this respondent.

Having thus fully answered all of said bill which he is advised it is material to answer, he prays to be hence dismissed with his costs.

Johnston, for resp^t.

Virginia, Lee County, to wit:

This day John M. Beatz personally appeared before the undersigned, a justice of the peace in and for said County, and made oath, that the facts stated in the foregoing answer as of his own knowledge are true, and that those stated as upon the information of others he believes to be true. Given under my hand this 8th day of April 1845.

Jonathan Richmond

John M. Beaty

Dr. } answer.

Simons for Fitts

Exhibit filed.

1825 April term filed by
leaves of the court

To The Honorable Benjamin Estee Judge of the Circuit Superior
^{Land & Chancery}
Court of Lee County, in Chancery sitting, The Answer of Charles Ham-
bler, to The Bill of Complaint of Andrew F. Simons, who sues for the benefit
of Cornelius Fells, filed against him, Thomas J. Gregory & others in said Court.

This Deft. without making any exceptions to said Bill, for Answer
thereto saith, that it is true, as represented therein. That this Deft. sold
to the said Gregory the land in the Bill mentioned, and executed
a bond to him for a good title therefor, having first received from
him, the whole of the purchase money for the said land. This title
Bond, this Deft. supposes is still in the hands of the said Gregory, &
this Deft. is at all times ready & willing to convey the legal title to the
said land, pursuant to the terms of his said title bond, to any
person entitled thereto; or who may become entitled, under the de-
cree of this Court.

The said tract of land is supposed to contain about 75 acres,
and is bounded as follows, and lies on the north side of Powell's tract.
Beginning at a Sacafras & Spanish Oak on the bank of said tract. Then
up the same according to the several courses thereof 130 poles to three pop-
lars. N. 55 W. 96 poles to a swamp White Oak. S 62 W. 80 poles to a large
poplar in a hollow. S 49 E. 204 to the beginning.

This Deft. having now fully answered said bill, prays to be
hence dismissed with his costs &c.

Sharp for Deft.

Sworn to in open court on the 2nd
day of April 1823.
J. W. M. Moulton

Hambleton

ad. & answer

Simons for Fees

1843 April term filed by leave
of the court.

Sinner for H^{is} }
Gregory & others } In Chancery

This cause came on to be again heard, upon this 22^d day of September 1869, upon the papers formerly read in the cause, and the report of John B. West who was by a former decree of this Court appointed a Commissioner to convey to Andrew W. Ely, the land sold by the trustee in the Bill mentioned, according to the meter & bounds set forth in the answer of Champ Hamblen one of the Defts in said cause, and there being no exceptions to said report, and the case being ^{argued by} Counsel, and it appearing to the Court, that the said Commissioner had executed, and acknowledged before Andrew Milbourn a justice of said County, a deed for the said land, pursuant to the decree, entered in this cause at the last April ^{Term} of this Court; it is therefore adjudged ordered, and decreed, that the said report, and conveyance be confirmed, and that the said deed be delivered to the said Andrew W. Ely for recordation; and there appearing to be no further reason for retaining this cause upon the docket, it is ordered to be stricken from the same,

Simon for Fifth
w³ Decree

Gregory & others

Sept Term 1869.

Enter this decree.

John W. Johnston.

Sep 22. 1869

Entered O.B. p 87-8

H. J. Morgan, R. Clerk

Simons for Fitts,
as
Gregory & others } In Chancery.

It appearing to the Court, that Robert E. Bradley, the trustee in the Bill mentioned, sold pursuant to a decree in the Cause, the land embraced in the deed of trust in the Bill mentioned, and also from the report of the ^{said} trustee, which was confirmed by the Court, that Lewis Smith became the purchaser, of said land; ~~and it also~~ appearing to the Court that this Cause was prematurely stricken from the docket, before a conveyance was made to said purchaser, who from another decree in the Cause appears to have fully paid the purchase money; wherefore upon motion of the said Lewis Smith, the said Cause is ordered to be again placed upon the Court, docket; - and the said Cause coming on to be again heard, this - day of April 1869, upon the papers formerly read in the Cause, and the argument of counsel; and it appearing to the Court from the admissions of Lewis Smith who appeared in open Court, that he had ever since said purchase possessed said land, until recently ^{he} sold it to Andrew M. Ely, who is also in Court, and that he, said Smith desires the conveyance to be made directly to the said Ely & not to himself, and it also appearing to the Court, from the evidence in the Cause, that the said Gregory had only an equitable title, to the land embraced in the trust deed & that the trustee had only the same, and that the legal title was in

Champ Hamblen a defendant in this cause, who by his answer
now on file in the same, admitted that he had sold the
land in the said deed of trust mentioned, to the said
Gregory, and had received the full amount of the
purchase money therefor, and that he supposed that
Gregory the absent Dept had his title bond, and that the
said ^{trust of} land was supposed to contain 75 acres, and bounded
by meters & bounds set out in said answer; - on
consideration whereof it is ^{further} adjudged, ordered, and decreed
that J. B. West, who is ~~now~~ appointed a Commissioner
for the purchase, convey by deed with special warranty
to Andrew M. Ely, the land in the Bill, ~~mentioned~~,
sold by said trustee, to said Smith, by the meters & bounds
set forth in ^{the} answer of Champ Hamblen filed in
this cause, & that said Commissioner report his
proceedings to the next term of this Court, and the
cause is continued.

Division for Equity

W^m J. Deane

Gregory & others

April 1869

Enter this decree.

John W. Johnston

April 30, 1869

Entered for 74

At J. Morgan &c

Simon for Fitts vs. Gregory - Chy.

This cause came on again this day to be heard upon the papers formerly read, and the report of Richard M. Hambleton the Commr. appointed by a former decree to take the account ordered in this cause, & was argued by counsel; And ~~it appearing~~ the said report not being excepted to, the same is affirmed; And it appearing ^{from said report} that the purchase money of the land of the def^t. which was sold under a former decree in this cause has been fully paid up to John W. S. Morrison the Commr. appointed to collect the same by the purchaser Lewis Smith, & that the sum of \$80 has been paid to R. C. Johnston under an order in this cause by R. E. Bradley's advt. together with a note executed by said Smith & John Clark on which a balance of \$17.00 is unpaid with interest thereon from the 1st day of November 1853, which said sum of \$80. and said note were for debts of the said land prior to its sale; And it also appearing that a part of the debt due to the beneficial compe^t has been paid to him, leaving a balance yet due to him including his costs of this suit ^(except the fee of Commr. Hambleton for said) on the 17th day of August 1859 of \$69.66 of which sum \$29.56 is to bear interest from the last mentioned date, & that the debt to Pleasant Tankersly has been fully paid; It is therefore adjudged, ordered, & decreed, that the said Johnston Commr. pay to the said Fitts the said balance of his debt yet due & unpaid of \$69.66 with interest on \$29.56 part thereof from the date last aforesaid till paid, and also pay to the said Hambleton Commr. his fee of \$6.00 for taking said account; And ^{that} the residue of the said money ^{& note} in said Johnston's hands be paid over by him to Levina ^{Ann} Campbell the daughter of the said Gregory, he having long ago left the County & being supposed to be dead.

And the object of this suit being attained, it is ordered to be stricken from the docket.

Jonestown, Dec^r 5th 1859. Received of P. C. Johnston Comnd.
Forty three dollan, in part of the sum decreed to be paid
me by the within decree.

C. Hills

By E. Latul DS

Sixteen for Hills

57.

3 decree

Gregory

Oct. term 1859.

Enter this

5.17.5

Entered

Simon, for H. W. Gregory - Chy.

Peter C. Johnston the Commissioner heretofore appointed to collect from the adm^r. of R. E. Bradley dec^d. whatever monies were in his hands as trustee in the deed of trust executed by the def^t. Gregory, this day made his report, which is ordered to be filed;

And in order to ascertain how far the object of this suit has been

accomplished, it is ordered and decreed, that ^{Richard M. Hamblin} ~~Henry J. Morgan~~,

who is hereby appointed a Comm^r. for the purpose, ascertain

to what extent the debts due from the def^t. to the compl^t have yet

been paid and what amount ^{if any} ~~of~~ still remains unpaid;

and that he also ascertain how much ^{if any} of the sum of \$295.

due from Lewis Smith as the purchase money of the lands in

the bill mentioned at the sale under the deed of trust, and ^{has been paid, &c.}

what amount thereof, if any, yet remains unpaid - and

^{the same} report _{to} the Court, together with any matter specially stated

thought pertinent by himself, or required by either of the parties

so to be stated: And the cause is continued till the next term.

Simons for &c.

vii. } Decree

T. J. Gregory

May term 1859.

Enter This

S. V. F.

384

Simons for O & C

vs

In Chancery

Gregory & others

It appearing to the Court that Robert E Bradley Esqr, the commissioner appointed to make sale of the lands in the bill mentioned, has departed this life, after having made sale of said land at the price of \$295.00 which appears from his report, and it being necessary that the said purchase money and interest due thereon should be collected for the purpose of being distributed among the creditors entitled thereto in this suit, It is therefore ordered that John W S Morrison be and he is hereby appointed commissioner in the place of ^{said} Robert E Bradley Esqr Deed to collect the proceeds of the said sale of said land & as soon as practicable & make report of his proceedings to the Court at the next term till which time this cause is continued

Simons for \$

125 { order

Gregory & others

1851 April filed

Simons for Fells vs Gregory & others. — In Chancery.

This Cause came on to be further heard, on this day of Sept. 1847 Upon the Bill of The Compt. The answers of The Defts. The testimony of witnesses, The orders of publication ^{exhibits} filed in the Cause, and The report of Commissioners M. B. D. Lane, B. D. Martin & Lewis Smith, to which there is no exception, and which is therefore affirmed by The Court, and was agreed by Counsel. And it appearing to The Court, that The orders of publication against The Absent Defts. have been duly posted and published as required by The Court, and more than two months having elapsed since the filing of The Compt's bill, and since the return day of The Sp. in this case and the said Absent Defts. still failing to appear and answer The Compt's bill it is therefore adjudged, ordered and decreed that The Compt's bill be taken for confessed as to The ~~appearing to the Court, that the deft Gregory, has no personal property within the jurisdiction of~~ said Absent Defts. And it is further adjudged, ^{ordered} and decreed that Robert B. Vandelay ~~Attorney at Law~~, who is hereby appointed a Comst. for that purpose do sell the Lands in The Compt's bill mentioned, on a Credit of 12 months at public sale ^{before the front door of the Court House of this County,} for Cash, to the highest bidder, taking good bond and security from The purchaser for the purchase money payable to himself, having first advertised the time and place of said sale for at least thirty days, at the front door of The Court House of this County, and at least at four other public places in the said County, most likely to give general notice of such sale, and report his proceedings herein, to This Court at the next term.

* The Court, out of which The Compt's debt, or any part thereof can be made, it is therefore

A. J. Simons

vs

Deane

Thomas D. Gregory

Filed 9th Sept 1847

Andrew P. Simons for C. Litt

vs.

Thomas J. Gregory & others

} order

on the motion of the
Complainant, it is adjudged ordered and decreed
that Michael B. D. Lane, Benjamin D. Martin
& Lewis Smith be, and they are hereby appointed
Commissioners to value the Land in the bill
mentioned of Thos J. Gregory, and also to ascertain
whether there be personal property of the
said Thos J. Gregory, sufficient to satisfy the
Complainants Debt, within the jurisdiction of
this Court, and that they make report of their
proceedings at the next Term of this Court

Simons for 2

vs Deane
Gregory Haines

8th April 1846

Virginia,

At a court of quarter sessions begun and held for Lee County, at the courthouse thereof on the 16th day of August 1841.

Andrew S. Simons having obtained an Attachment against the estate of Thomas S. Gregory who hath privately removed out of this county or absconds or conceals himself so that the ordinary process of law cannot be served on him, for debt, and Lewis Smith a constable of this county having made return that he had executed the said Attachment on 5 Tables, 5 Chairs, 1 Bed room, 1 tin bucket and pair of Sheet yards and horse saw, two trunks and contents, 1 bedstead, 1 bag, 2 pair of books, 1 Skillet & lid, 1 pot house, 1 pair of dog bones 1 pot rack, 1 trivet, 1 pair candle molds, 2 candle sticks 2 snuffers, 2 shovels & tongs 1 bed and furniture one clock and sundry other articles. This day came the plaintiff by his attorney and the defendant being solemnly called and not appearing, it is considered by the court that the plaintiff recover against the defendant one hundred and twenty dollars with legal interest thereon from the 1st day of April 1841 till payment and his costs by him about his suit in this behalf expended. And it is ordered that the Sheriff of this county make sale of the attached effects, as the law directs, and the money arising from such sale paying satisfy this judgment to the plaintiff, and return the overplus if any, to the defendant, and return an account of such sale to the court.

Attest by test. J. W. S. Morrison Clk.

c. 1.07
22.50
5.63
\$4.20

Recd. of C. Andersson D. Sheriff of Dec County ^{thirty eight} ~~thirty~~ dollars
it being the proportion due Simon from the amount of the sales
and seventy one cents of the within order directing the
sale of Andrew F. Simons property Sept. 21- 1841

Andrew F. Simons
by C. Fitts

B17.

S

Andrew F. Simon

order sale

Shawar D. Gregory

Sept. term 1841

The within mentioned
property sold and
thirty eight dollars
and seventy one cents
paid on the within
C. Anderson D.S.

Virginia,

At Rules held in the clerks office of the circuit superior court of Law and Chancery for Lee County, on Monday, the 5th day of December, 1842,

Andrew T. Simons who sues for the
benefit of Cornelius Fells. Complainant
against

Thomas A. Gregory, Champ Hamblin, Robert
E. Bradley, John M. Beatty, Pleasant Tankersley,
Boyd Dickinson and Daniel S. Dickinson
Administrators of the estate of William C.
Dickinson deceased & Thomas A. B. Nelson
and Robert A. In Stinney Defendants

In chancery.

The defendants, Thomas A. Gregory, John M. Beatty, Thomas A. B. Nelson and Robert A. In Stinney, not having entered their appearance and given security according to the act of Assembly and the rules of this court, and it appearing from satisfactory evidence that they are not inhabitants of this commonwealth. On the motion of the complainant by his counsel, it is ordered that the said defendants do appear in the clerks office of said court, on the first Monday in March next, and answer the bill of the complainant and that a copy of this order be forthwith inserted in some public news-paper published in this commonwealth for two months successively, and posted at the front door of the courthouse of this County.

A Copy-Teste. J. W. S. Morison Clk.

Lee County Court,

This day John W. S. Morison came before the undersigned a justice of the peace in and for said County and made oath that a copy of the above order was duly posted at the front door of the courthouse of Lee County. Given under my hand this 12th day of April 1843.

6 back

Andrew J. Simons for

vs { Affidavit of J. W. Morison
Thomas S. Gregory father

Virginia,

Lee County Court,

This day Thomas F. Vincent personally appeared before the undersigned as justice of the peace, in and for said County, and made oath that he is informed and believes that Thomas S. Gregory, John M. Seely, Thomas A. R. Nelson and Robert S. McKinney are now residents of the State of Virginia. Given under my hand this 5th day of December 1842.

Charles Barker

A. F. Simons for &c

to Affidavit of J. F. Vincent

Thomas S. Gregory Father

Simons for & C W Gregory — in Chancery

The undersigned a Commissioner appointed by a decree entered in this Cause at the May term 1837. for the purpose of ascertaining to what extent the debts due from the defendant, to the Complainant, have yet been paid and what amount if any still remains unpaid. and to ascertain how much if any of the \$295. due from Lewis Smith as the purchase money of the land in the bill mentioned at the sale under the deed of trust has been paid and, when and what amt. thereof if any yet remains unpaid

Reqs leave to Report. That on the 17th day of August 1837. he proceeded to make the several inquiries as required by said decree. and have ascertained the facts to be as follows to wit

| | |
|---|----------------|
| Note to Simons assigned to C Pitts due 1 st Apr 1841 | 120. 00 |
| Interest on same to 1 st Sept 1841 | 3. 00 |
| | <u>123. 00</u> |
| Am't Cr at this date see C Pitts Receipt on sale Bill, order of sale. | 38 71 |
| Interest on this amt. to 1 st January 1832. | 52.26 |
| | <u>136.55</u> |
| Cr by Am't paid at this date by L. Smith. C Pitts Receipt. | 100. 00 |
| | <u>36.55</u> |
| Int to 1 June 1832 | 91 |
| | <u>37.46</u> |
| Am't Cr by Smith overpaid this amt. | <u>12.54</u> |

which is placed as a Cr on J M Beatty debt. as below

| | |
|--|--------------|
| Note due J. M. Beatty 1 st Jan'y 1802 and purchased by C Pitts. | \$22.50 |
| Interest on same to 1 st June 1832. | 10.69 |
| | <u>33.19</u> |
| Am't overpaid as above and Cr heres | 12.54 |
| | <u>20.65</u> |
| Int on same to 17 th day of August 1837. | 8 21 |
| C Pitts Cast of attachment vs Gregory | 29.56 |
| | <u>4.20</u> |
| " " Cast of suit in Chancery. | 35.90 |
| " " this amt due C Pitts on the 17 th Aug 1837. | <u>69.66</u> |
| 29.56 of which remains at interest till paid | |

Note due to P. Tankestly 3 June 1841 \$446.50
 Interest on same to 1st Sept 1841 81
 Or at this date by part sale of personal property as shown by C. Anderson (Sheriff) \$4731
 Int on this to 1st January 1852, 16.47
 \$50.84
 19.03
 Amt pd by Lewis Smith as for Tankestly's receipt \$49.87
 62.00
 P. Tankestly Cash and attachment 12.13
 4 3 1
 Amt overpaid to Tankestly by Smith \$7.82

Comt. Sale of land L. Smith's note due 23rd March 1849. \$295.00
 Interest to 1st January 1852, 34.26
 \$329.26

Or by Comt pd C. Fitts at this date \$100.
 " " " P. Tankestly " " 54.18 \$154.18
 \$175.08

Int to 1st June 1852 4.37
 \$179.45

Or by amt pd C. Fitts 50.00
 \$129.45

Int to the 1st day of Sept 1853 (1853) 9.67
 Or by amt pd J.W.S. Morison as of \$139.12
 50.00
 89.12

Int on this sum to 15 April 1854 (1854) 3.34
 \$92.46

Or at this date by amt pd J.W.S. Morison 45.00
 \$47.46
 interest for year on this sum 2.87
 \$50.33

Or at this date by amt pd said Morison 35.00
 \$15.35
 Int on this sum from 15 April 1853 to 15 April 1854 92
 \$16.27
 Or by amt pd said Morison at this date 20.00
 this amt overpaid by Lewis Smith, \$3.73
 the purchaser of the land in the bill mentioned

Cash in the hands of Peter C. Johnston as per his report 80.00
 + Note on Lewis Smith & John Clark for 207 due 1st day of November 1853.
 Credited by \$3.00 23rd April 1851 3 \$ 17.00
 Interest on \$12. from 1st Nov 1853 to 17 Aug 54 5.86
 \$102.86

Diduct amt coming to C. Fitts at this date 69.66
 leaves this amount in favor of the defendant Gregory \$33.20

all of which is respectfully submitted
 Yours for 8 hours @ R. W. Hamblen Comr.
 75 per hour \$6.00 in Chy for Lee County.

submitted in its proper place to show balance \$6.00
 R. W. Hamblen Comr. \$27.20

The foregoing statement shows a balance \$27.20 twenty seven dollars and twenty cents. which is due to Thomas J. Gregory the defendant, in the above suit, at this date, all of which is respectfully submitted
 Aug the 28th 1854. R. W. Hamblen Comr.

33.20
 L. S. . . 7.82 + 3.73 = 11.55
 Comm. 21.65
 15.65

Simons for VC
vs Courrs Report
N.M. Hamblen
J. J. Gregory
filed 28th August 1839
N.M. Hamblen CLK

Comrs

A. T. Simons for VC
vs Courrs Report
N.M. Hamblen
Thos J. Gregory
filed 10 Sept 1839
N.M. Hamblen CLK

Pursuant, to a decree, entered, the 8th day of April 1846, in a suit, pending, in the Circuit Superior Court of Law & Chancery for Lee County, wherein Andrew H. Simons, who sues for the benefit of Cornelius Vits, is Compt., and Thomas Gregory & others are Defts, we, the undersigned Commissioners, after being duly sworn by Charles Cantel a justice of the Peace for said County, went upon the land shown to us as the land of the Defts, and viewed it, and beg leave most respectfully to report to the Honorable Court aforesaid, that we estimated it to be worth Two hundred & Twenty five dollars; and further, that to the knowledge of your Commissioners there is not sufficient personal property, within the jurisdiction of said Court, to satisfy the Compt's debt or any part thereof.

M. B. Lane,
B. D. Martin
Lewis Smith

| | | |
|---------------|---|--------|
| M. B. D. Lane | for services rendered in valuing the above land | \$1.25 |
| B. D. Martin | " " " " " " " | \$1.25 |
| Lewis Smith | " " " " " " " | \$1.25 |

Report
Commissioners
Simmons complete
ps
Gregory & others.

1846
Sept. report filed

Simons for Fitts }
Gregory & others } Report of Sale of Land

The undersigned, having been appointed a commissioner by a decree of the court in this cause at the ^{last} term thereof, to sell the land in the complainant's bill mentioned, proceeded on the 23rd day of March last, after having advertised the time & place of sale pursuant to the terms of said decree, ^{to sell} to the highest bidder, on a credit of twelve months, and Lewis Smith became the purchaser thereof at the price of \$295.00 and gave bond payable to the undersigned as com^r with Benjamin Dickinson as security.

All of which is respectfully submitted
April 6th 1848.

Robert E. Bradley
Commissioner

Simons for Hille

W. J. { Report of Sales of
Land of Court

Gregory & others
April 6th 1848

Simons for &c. vs. J. J. Gregory - Chy.

The undersigned, a Commr. appointed by a former order entered in this cause to collect & receive from The Admt. of Robert E. Bradley, ^{dec?} whatever funds were in said Bradley's hands at his death as trustee of the ~~Commr. for settling the~~ lands in the bill mentioned, begs leave to report:

That on the 9th day of May 1859 he received from Jacob Lynch, admr. of the said Bradley, the sum of \$80.⁰⁰, together with a note executed by Lewis Smith & John Lohack to said Bradley as trustee, for \$20.⁰⁰, dated August 1st 1843, and payable by the 1st day of November 1843, with a credit endorsed for \$3.00 paid April 22nd 1851 - which he holds subject to the order of the Court. Which is respectfully submitted.

R. C. Johnston, Commr.

14th May 1859.

Simons for &c

in. } Report of Commr.
R. C. Johnston.

T. J. Gregory

May term 1859.

To the Honorable Circuit Court of Lee County.

The undersigned Commissioner, appointed
by a decree of the Court entered in the Case of Simons for He.
Mr. Gregory ^{et al} at the April term 1869. for the purpose of
conveying the land in the Bill mentioned, to Andrew
M. Ely, would respectfully report, that I have executed
and acknowledged a deed, pursuant to the terms, and
directions of said decree, which deed is herewith
filed ~~marked~~ ^{marked} X as part of this report.

Respectfully submitted.

John B. West.

Report
Commissioner West.
& Deed executed by him

13

This Indenture made and entered into this 10th day of January in the year 1842,
between Thomas J. Gregory, of Sullivan County, in the state Tennessee, of the first part,
John M. Beatty, and William C. Dickinson and Pleasant Tankersley all of Lee County
in the state of Virginia of the second part and Robert C. Bradley, of Washington County
in the state of Virginia aforesaid of the third part: Witnesseth: that the said Thomas J. Gregory
is indebted to the said John M. Beatty in the sum of twenty two dollars and fifty cents, due
on the 1st day of July 1842 on a note executed to Wm. Hampton transferred to said
Beatty; and is also indebted to the said Dickinson in the sum of about \$23.50 due on
the day of February 1841 and the cost being the same debt for which said
Dickinson obtained a judgement in the County Court of Lee County; & is also indebted
to the said Tankersley in a sum of originally \$40.00 due on the day of June last
and the cost of an attachment of which a part not now known has been paid being
the same for which said Tankersley also has a judgment of Lee County court;
and being willing & desiring to secure the payment thereof, in consideration thereof
and in further consideration of the sum of one dollar to him in hand paid the receipt
of which is hereby acknowledged, hath granted, bargained & sold, and doth by
these presents grant bargain & sell to the said Robert C. Bradley a certain tract or
parcel of land lying in the aforesaid county of Lee, supposed to contain about
one hundred and five acres, being the same tract purchased by Champ Hamlin
from Thomas Blake more & conveyed by deed bearing date on the 28th day of
November 1809, and lately purchased by said Gregory from said Hamlin but not
yet conveyed to him, adjoining the land of Henry Chaswell Andrew S. Simons & others
on the north side of Powell's river & to have and to hold to the said Bradley and his
heirs with its appurtenances forever; and the said Gregory for himself and his
heirs, doth hereby warrant and will defend the said tract or parcel of land to the
said Bradley & his heirs against the claim or claims of all persons whatsoever. In
Trust, nevertheless, that if the said Gregory shall will and truly pay the aforesaid
debts, with such interest as may have accrued thereon, together with the expense of drawing &
recording this deed, on or before the 15th day of July 1842, then this Indenture is to
be void: And in further trust that if the said Gregory shall fail to pay the said
debts, or any of them with interest and costs as aforesaid or any part thereof in ^{that} case
it shall be lawful for the said Bradley to sell the said tract of land or so much
thereof as may be sufficient for the purpose at public sale to the highest bidder on
a credit of six and twelve months for the whole of the purchase money except for thirty
dollars which is to be paid down on the day of sale the day of and place of said sale

to be advertised previously thereto for not less than thirty days, and the sale to be made at the courthouse of Lee county on some court day, and the said Bradley is also authorized if he shall consider it expedient, to sell the said land or such part as it may be necessary to sell at private sale and out of the proceeds thereof, to pay the debts aforesaid with interest & said costs and the expense of drawing & recording this deed, and also pay out of the same to Thomas A. R. Nelson and Robert S. McKinney, attorneys at law, the fees which may be due to them respectively as attorneys and counsel of said Gregory to defend him in the prosecution now pending against him in said county of Sullivan said fees being contingent and to retain five percent as his compensation - and the residue to pay over to the said Gregory. In testimony whereof, the said Gregory and Bradley have hereto subscribed their names and affixed their seals the day and year first above written.

Th. S. Gregory Seal
Robert S. Bradley Seal

Sullivan County, to wit.

We Jacob E. Dupiet and David Shaver, two justices of the peace in and for the county of Sullivan aforesaid, in the State of Tennessee, do hereby certify that Thomas S. Gregory, party to a certain deed of trust bearing date on the 10th day of January 1842, and hereto annexed personally appeared before us in our said county and acknowledged the same to be his act and deed and desired us to certify the said acknowledgment to the clerk of the county court of Lee, in the State of Virginia in order that the said deed may be recorded.

Given under our hands and seals this 10th day of January 1842.

Jacob E. Dupiet Seal
David Shaver Seal

A Copy Teste:

Virginia,

J. W. S. Morison Clk.

At a court begun and held for Lee county, at the courthouse thereof on the 17th day of January 1842 this deed of trust from Thomas S. Gregory to Robert S. Bradley for the benefit of John M. Beatty, William S. Dickinson, Pleasant Dunkley, Thomas A. R. Nelson and Robert S. McKinney was this day acknowledged by the said Bradley in open court and together with the certificate hereto annexed of the acknowledgment

of the said Gregory, ordered to be recorded.

Attest:

J. W. S. Morison Clk.

Robert B. Bradley for
John M. Beatty & others

From Baby Seed Trust
Thomas A. Gregory

(12)

Mr. Robert E. Bradley,

Will please pay to Francis Muncey, of
See County, the sum of Ten dollars out of the proceeds
of my land, when it shall be sold, of which he is trustee
under a deed of this date. January 10th 1842.

also Preston & Gibson's debt.

Teste,

R. C. Johnston.

Th. J. Gregory

Preston & Gibson's Debt \$10.00 Ldn in 1839

J. J. Gregory
To & order
R. L. Bradley

\$20.00

(3)

On the first day of July
eighteen hundred and forty
two I promise to pay William
Hampton the sum of twenty
two and a half Dollars for
Value Rec^d. Witness my hand
and seal this 12th of Dec

1840 —

test John Burton

Thos Huger Secy

Thomas J. Gregory

To 3 Arts

William Hampton

\$22.50

(98)

(L)

Sale of Thomas Gregory property 21st Sept. 1841.

| | | |
|-------------------------|---|-----------------|
| Job. Crabtree \$11.15 | } | E. Hill \$11.36 |
| Cost. 4.25 | | Cost. 4.31 |
| Comm. .77 | | Comm. 0.78 |
| <u>\$16.17</u> 16.45 | | <u>\$16.45</u> |
| <u>\$32.62</u> | | |

| | |
|---|------------------------------------|
| Amount of Sale | \$100.65 ² |
| Crabtree & Hill | 32.62 |
| Am ^t of Tax & Tackels | <u>68.03²</u> 10.84 |
| | \$57.19 ² To be divided |
| between Simon & Tankersley in proportion to their debts | |

Simon's Debt \$120. Int from 1st day of April 1841. to 21st Sept. 1841 making 5 mo. 20 days

Int. 3.41

Cost 4.20
\$127.61

Tankersley's debt \$46.50

Int. .83

Cost 4.31

\$51.64
127.61

179.25 : 57.19 :: 127.61

57.19

1148.49

127.61

893.27

638.05

7298.0159

71700

128015

125475

25409⁺

17925

74840

71700

31400

17925

134750

125475

9275

2035

179.25 : 57.19 :: 57.64

57.64

22876

34314

5719

28595

179.25

2953.2916

17925

116079

107550

85291

71700

135916

125475

104410

89625

147850

143450

44500

34850

9650

16.47582

.82 Comm

75.65

Simon must have \$40.71417

Tankersley

16.47582

\$57.18999

.001

\$57.19000

Calculation of
Gregorys Sale

\$ 27.5 -

6

1770

2
\$ 35.40

interest 2 years

295

330.40

150.00

paid Fills -

180.40

62.00

paid Jan Kinsley Sam Stone.

\$ 118.40

710.40

2
1420.80

1840

18260

5000

paid Morrison -

\$ 82.60

495.60

247

8260

85.07

4500

paid Morrison in 54

40.07

120

41.27

1000

paid Morrison for a J. S. fall⁵⁴

\$ 31.27

93

32.20

35.00

paid Morrison Spring of 53

\$ 3.20 -

2000

\$ 23.20

paid Morrison also
in 1856.

now paid -

Lewis Smith
 as { Payments
 J. W. L. Morrison

Voucher C.

Drawn by the auth.
 of E. B. Crockett.
 the Cr of \$10.00 was
 not taken in the
 calculation by request of
 Smith.

18.00
 10.00
 1.10
 3.85
 3.25
36.43

for order to share
 to share 2.37
 to share 1.87
 for share 1.87

I hereby certify that Lewis Smith, as the purchaser of the
land of Thomas J. Gregory, under the decree of the Circuit
in the case of ~~W. H. Symons~~ for ~~W. H. Symons~~ vs ~~Thomas J. Gregory~~
Superior Court of Law & Chancery of Lee County Virginia
paid me of said purchase money. One hundred Dol-
=lars. on or about the 1st day of June 1852 and
the sum of Fifty Dollars. on or about the 1st day of
for which ~~seems~~ I gave him receipts which are lost or mislaid
1st of June 1852. Given under my hand this

~~June~~ day of May 1859.
6.
witness

Benjamin Fitch

at
I am R. Fitch

(A.)

846 50 to

One day from date
I borrow to my pleasure
I am hereby the sum of forty
six Dollars and fifty to
for Value received
Witness my hand and
seal this 3rd of June 1841
Thos H. Grey

G. Gregory

Lo { Note
\$46.50

\$100.20 April 1 1861

one day after date I bind my
self My heirs &c to pay to
A. H. Simmons the sum & full
sum of one hundred & 20
twentie dollars for value recd
of him as witness My hand
& seal this ~~day of~~
the day & date above

The Hungate Seal

I sign the with note
to Cornelius Fitts for
value Recd this 22^d of June

1841

Andrew Amory

Thomas
C. Amory
to Mr. Fitts
1841

Donville 30th May 1856

Received of Lewis Smith twenty dollars being part of
the debt due from him for the purchase of the Gregory
land

J. W. S. Morison
Secy.

Q.

Lee COUNTY, to wit:

TO THE SHERIFF, OR ANY CONSTABLE, OF SAID COUNTY:

WHEREAS *Andrew F. Simons* hath this day complained before me *Valentine A. Woodson*
a justice of the peace for the said county, that *Thomas J. Gregory* is indebted to him in the sum of
\$120.00 with interest thereon from the *2^d* day of *March* ^{*1841*} due by note
and that the said *Thomas J. Gregory* is removing out of the said county privately, or absconds or conceals himself,
so that the ordinary process of law, cannot be served upon him, and the said *Andrew F. Simons* having
given bond and security according to law: These are therefore in the name of the Commonwealth, to require you to
attach the estate of the said *Thomas J. Gregory* - or so much thereof as shall be of value sufficient to
satisfy the said sum of *\$120.00* together with interest thereon from the *2^d* day of *March* ^{*1841*}
and the costs; and such estate so attached in your hands to secure, or so to provide, that the same may be liable to further
proceedings thereon to be had at the next court to be held for this county; and that you then and there make return how
you have executed this warrant. Given under my hand this *29th* day of *July* ^{*1841*}

Valentine A. Woodson J.P.

A F Simons

vs

Attachment

Thomas J Gregory

Lately the 27 Seized on

5 Tables
 5 Chairs
 1 Bedstead
 2 Trunks & contents and drawers
 1 Bedstead
 1 Cag
 1 Bedstead
 1 Tin bucket
 1 pair steel yards
 1 Sand bar
 2 pair foot hooks
 1 Skillet & lid
 1 Pot & Oven
 1 Pair dog iron
 1 Pot rack
 1 Trebbet
 1 pair Candle mals
 2 Candle sticks
 2 Snuffers
 2 Shovels & Tongs

one Bed & furniture

1 head of cattle

1 Clock

and divers

other articles

which I have

attached on

By virtue of

the within warrant

on one ~~gray horse~~

Louis Smith Constable

1841 Aug. 21. for

103 pld. @ 1.07
 109.50
 5.53
 \$115.03

A. F. Simons vs. T. J. Gregory & al:

~~Re estate of Jacob Lynck~~

A portion of the fund derived from the sale of the land in the bill mentioned being in the hands of Jacob Lynck, of Washington County, who is the administrator of the Trustee Robert E. Bradley deceased, it is ordered that Peter C. Johnston, who is hereby appointed a Commissioner for the purpose, collect & receive from the said adm't. so much of the said fund as the adm't aforesaid may have in his hands, or as may have been in the hands of his intestate not paid over, deducting there-
from such unsettled compensation ^{to the Trustee} as may be yet due ~~to said Trustee~~ and unpaid, and ~~to~~ report his proceedings to the next term - till which time this cause is continued.

Fells detel Gentes la 21st

May 1845 ————— \$106.66

Law Kersley Do . 43.90

J. M. Beatty Do 25.94

Decker Do — 36.82

————— 213.32

Compt to Value
Land to be
appointed

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY, GREETING:

WE COMMAND YOU TO SUMMON *Thomas S. Gregory, Champ Hamblin, Robert B. Bradley, John M. Beety, Pleasant Bankusley, Boyd Dickinson and Daniel S. Dickinson* Administrators of the estate of *William B. Dickinson deceased* & *Thomas A. R. Nelson and Robert S. McKinney*.

to appear before the Judge of our Circuit Superior Court of Law and Chancery for LEE COUNTY, at the clerk's office of our said Court, at rules to be holden for said Court, on the first Monday in January next to answer a Bill in Chancery exhibited in our said Court against them by *Andrew J. Simons* who sues for the benefit of *Condens Fitts*.

and unless they shall answer the said Bill within two months thereafter, the same will be taken for confessed, and that they shall in no wise omit under the penalty of \$100 each and the said Court will decree accordingly. And have then there this writ.

WITNESS, JOHN W. S. MORISON, Clerk of our said Court, at the Court-House, this 5th day of December 1842 in the 67th year of the Commonwealth.

J. W. S. Morison Ck.

Attest. J. W. S. Morison Ck.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY, GREETING:

WE COMMAND YOU TO SUMMON *Thomas S. Gregory, Champ Hamblen, Robert E.*

Bradley, John M. Beatty, Pleasant Sankersley, Rags Dickinson

and Daniel S. Dickinson Administrators of the estate of William

B. Dickinson deceased & Thomas A. R. Nelson and Robert S. McKinney

to appear before the Judge of our Circuit Superior Court of Law and Chancery for LEE COUNTY, at the clerk's
~~office of our said Court, at rules to be holden for said Court, on the first Monday~~
~~in February next~~
to answer a Bill in Chancery exhibited in our said Court against them by Andrew F. Simons who

sued for the benefit of Bondholders &c

and unless ~~they~~ *they* shall answer the said Bill within two months thereafter, the same will be taken for confessed,
~~and this they shall in no wise omit under the penalty of \$100 each~~
and the said Court will decree accordingly. And have then there this writ.

WITNESS, JOHN W. S. MORISON, Clerk of our said Court, at the Court-House, this 5th day of
December 1812 in the 67th year of the Commonwealth.

J. W. S. Morison C.C.

8
A. J. Simons for H.

VS Sup. in Chancery

J. D. Gregory & others

Sup. Rules 1843

Executed on
Champ & Ambler
Pleasant Tankersley
Boyd Dickinson.
R. E. Bradley
nonresident of Lee
County. the other
Defts nonresidents
of the C. wealth
of Virginia
C. Anderson D. for
John Fulkerson D. L. C.

KNOW ALL MEN BY THESE PRESENTS, THAT WE *Andrew F. Simons*
and *Pleasant Tinker* are held and firmly bound to *Thomas J. Gregory* in the
sum of \$240.00 to be paid to the said *Thomas J. Gregory* his
certain attorney, his executors, his administrators, or assigns; for the true payment whereof
we bind ourselves jointly and severally, our joint and several heirs, executors and administra-
tors firmly by these presents. Sealed with our seals, and dated this 29th day of July
in the year of our Lord 1844.

THE CONDITION of the above obligation is such, that whereas the above bound *Andrew F. Simons*
hath this day applied to *Nataniel Woodard* a justice of the peace for
the county of *Lee* — for an attachment against the estate of the above named
Thomas J. Gregory for the sum of \$120.00 which attachment hath been
granted, on previously entering into this bond, returnable to the next county court; if therefore
the said *A. F. Simons* shall satisfy and pay all costs which shall be awarded to the said
Thomas J. Gregory in case the said *Andrew F. Simons* shall be
cast in the said suit, and also all damages which shall be recovered against the said *Andrew*
F. Simons for his suing out the said attachment, then the above obligation to be
void, else to remain in full force.

Signed, sealed, and }
delivered, before }

N. Woodard

A. F. Simons (seal)

Pleasant Tinker (seal)
made

VIRGINIA:

AT rules held in the Clerk's Office of the Circuit Superior Court of Law and Chancery for Lee county, on Monday, the 5th day of December, 1842.

Andrew F. Simmons who sues for the benefit of Cornelius Fitts. Complainant.

AGAINST.

Thomas J. Gregory, Champ Hamblen, Robert E. Bradley, John M. Beaty, Pleasant Tankersley, Boyd Dickenson, and Daniel S. Dickenson, Administrators of the estate of William C. Dickenson deceased, and Thomas A. R. Nelson, and Robert J. McKinney.

Defendants.

IN CHANCERY.

The Defendants, Thomas J. Gregory, John M. Beaty, Thomas A. R. Nelson and Robert J. McKinney, not having entered their appearance and given security according to the Act of Assembly, and the rules of this court, and it appearing from satisfactory evidence, that they are not inhabitants of this Commonwealth. On the motion of the Complainant by his counsel, it is ordered, that the said Defendants do appear in the Clerk's Office of said court, on the first Monday in March next, and answer the bill of the Complainant, and that a copy of this order be forthwith inserted in some public newspaper, published in this Commonwealth, for two months successively, and posted at the front door of the Courthouse of this county.

A Copy—Teste,

J. W. S. MORISON, c. c.

Dec. 24, 1842—2m.

This day personally appeared before
the undersigned a justice
of the Peace, Mr Latham center
of the Banner and Mason
and that the annexed
Notice was published in
his paper upwards of
two months since here-
by heard this 15
March 1844

J. H. Daff

\$ 5